

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TENNESSEE, WESTERN DIVISION

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THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
WD OF TN, MEMPHIS

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JOEL FRANCIS, III;  
JANE FRANCIS; AND  
JOEL FRANCIS, JR.,

Plaintiffs,

VS.

No. 05-2429-Ma V

LAKWOOD ENGINEERING &  
MANUFACTURING COMPANY,  
WALMART STORES, INC. and  
SAM'S WEST, INC., SAM'S EAST, INC.  
d/b/a SAM'S CLUB,

Defendants.

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SCHEDULING ORDER

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Pursuant to written notice, a scheduling conference was to be held on August 25, 2005. The parties, however, have agreed to scheduling deadlines. Accordingly, the following dates are the final dates for:

INITIAL DISCLOSURES PURSUANT TO Fed.R.Civ.P. 26(a)(1): September 8, 2005.

JOINING PARTIES: October 25, 2005.

AMENDING PLEADINGS: February 17, 2006.

INITIAL MOTIONS TO DISMISS: November 25, 2005.

COMPLETING ALL DISCOVERY: June 23, 2006

(a) DOCUMENT PRODUCTION: February 17, 2006.

(b) DEPOSITIONS, INTERROGATORIES AND REQUESTS FOR  
ADMISSIONS: June 23, 2006.

(c) EXPERT WITNESS DISCLOSURE (Rule 26):

- (1) DISCLOSURE OF PLAINTIFF'S RULE 26 EXPERT INFORMATION: March 17, 2006.
- (2) DISCLOSURE OF DEFENDANT'S RULE 26 EXPERT INFORMATION: April 17, 2006.
- (3) EXPERT WITNESS DEPOSITIONS: June 23, 2006.

FILING DISPOSITIVE MOTIONS: July 28, 2006

OTHER RELEVANT MATTERS:

No depositions may be scheduled to occur after the discovery cutoff date. All motions, requests for admissions, or other filings that require a response must be filed sufficiently in advance of the discovery cutoff date to enable opposing counsel to respond by the time permitted by the Rules prior to that date.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or the service of the response, answer, or objection, which is the subject of the motion, if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or the objection to the default, response, answer, or objection shall be waived.

This case is set for jury ~~non-jury~~ trial, and the trial is expected to last five day(s). The pretrial order date, pretrial conference date, and trial date will be set by the presiding judge.

The parties have not yet make a determination regarding whether this case is appropriate for ADR. The parties will notify the Court of the appropriateness of ADR at the conclusion of discovery.

The parties are reminded that pursuant to Local Rule 11(a)(1)(A), all motions, except motions pursuant to Fed. R. Civ. P. 12, 56, 59, and 60 shall be accompanied by a proposed order.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties have not consented to trial before the magistrate judge.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this order will not be modified or extended.

IT IS SO ORDERED.

*Diane K. Vesco*  
DIANE K. VESCOVO  
UNITED STATES MAGISTRATE JUDGE  
DATE: August 22, 2005

APPROVED:

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Patrick Flynn  
207 West Eighth Street  
P.O. Box 90  
Columbia, TN 38402-0090

LEITNER, WILLIAMS, DOOLEY &  
NAPOLITAN, PLLC

By:

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Ronald L. Harper #15470  
R. Scott Vincent #21055  
254 Court Avenue, Second Floor  
Memphis, TN 38103  
(901) 527-0214



# Notice of Distribution

This notice confirms a copy of the document docketed as number 12 in case 2:05-CV-02429 was distributed by fax, mail, or direct printing on August 26, 2005 to the parties listed.

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Patrick A. Flynn  
FLEMING FLYNN & MURPHY, PC  
P.O. Box 90  
Columbia, TN 38402--009

Ronald L. Harper  
LEITNER WILLIAMS DOOLEY & NAPOLITAN  
254 Court Ave.  
Second Floor  
Memphis, TN 38103

Jeffrey W. Steidley  
The Steidley O'Neill Law Firm  
2110 Bissonnet  
Houston, TX 77005

Honorable Samuel Mays  
US DISTRICT COURT